



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Mother Lode Field Office
5152 Hillside Circle
El Dorado Hills, CA 95762
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Caltrans slide materials placement (CA-180-12-02) Finding of No Significant Impact November 2011

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Sierra Resource Management Plan (RMP). Thus, the proposed action does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects. Potential impacts include temporary noise and dust. The area where the slide material will be placed has been heavily impacted by a previous long-term mining-related occupancy which created roads and structure pads. This impacted area will be used, causing no new impacts to adjacent undisturbed areas and not impacts to lawful mining claim use.

2) The degree of the impact on public health or safety. No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety.

3) Unique characteristics of the geographic area. The project area generally is located within the Bagby Serpentine ACEC. This area has uncommon soils and associated rare plants. The project area itself is very close to a population of rare plants; however this population will not be impacted due to the location of the rare plants, plus project design features. The area to be impacted has been previously disturbed by a long-term mining-related occupancy.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects. No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).

5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that the proposed action would involve any unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The proposed action is not precedent setting.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant site specific or cumulative impacts have been identified. The proposed action is consistent with the Sierra RMP.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The proposed action would not adversely affect cultural properties listed on or eligible for the National Register of Historic Places.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* No ESA listed species (or their habitat) are known to occur in the area potentially affected by the proposed action.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that the proposed action will result in actions that will threaten such a violation.

William S. Haigh
Field Manager,
Mother Lode Field Office

Date



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EA Number: CA-180-12-01

Proposed Action: Caltrans slide materials placement

Location: Lot 10 of Section 6, T. 4 S., R. 17 E., MDM, Mariposa County, California.
See attached maps.

1.0 Purpose of and Need for Action

This particular section of State Route 49 does not have a standard right of way width that would normally encompass the width of the back slopes and embankments of the highway. This section of right of width only covers from the edge of the outside traveled way to the limits of the roadside ditches. Therefore, all earthen material that falls from the back slopes onto the highway is actually BLM material. Caltrans would like to place BLM slide material back onto BLM-administered lands of like material. The serpentine slide material from the Bagby Serpentine ACEC would be placed within a highly disturbed mining claim/occupancy area within the ACEC, near Bagby. This mining claim/occupancy situation has been resolved and there should be no effects to the current claimant's ability to use his mining claims in accordance with BLM's mining regulations. Slide material from outside the Bagby Serpentine ACEC would be placed by Caltrans at nearby, to-be-approved sites on BLM-administered land not analyzed in this EA.

1.2 Conformance with Applicable Land Use Plans

The proposed action is consistent with the Sierra Resource Management Plan's Record of Decision (RMP), approved in February 2008. On page 38-39 of the RMP it states "ROWs, leases for civic uses, and *other* land use authorizations will be confined to areas that lack ACEC values" (emphasis added). The proposed action would be implemented in a way that is consistent with our air quality management actions in the RMP, pages 7-8.

2.0 Proposed Action and Alternatives

2.1 Proposed Action

The Mother Lode Field Office (BLM) proposes to enter into a long term Memorandum of Understanding (MOU) with the California Department of Transportation (Caltrans) to allow Caltrans to permanently place slide material that originates from BLM-administered land and falls onto the shoulder of State Route 49 between Schilling Road and Bagby. The proposed placement site/project area is located just north of Bagby and east of State Route 49. The slide site and placement site are both within the Bagby Serpentine Area of Critical Environmental Concern. Serpentine soils in this ACEC support several BLM sensitive plant species, one of which occurs near the project area: shaggy hair lupine (*Lupinus spectabilis*). The project area can only be used by Caltrans to place slide material from the nearby Highway 49 grade, north of

Bagby, within the Bagby Serpentine ACEC. Slide material can only be placed where specified on the project area maps and would not exceed 5 ft in height within the project area. Slide material from elsewhere cannot be placed within the project area described in this EA. The proposed action in this EA would expire 10 years from the date of authorization or, alternatively, the proposed action would expire when the project area is filled to capacity with slide material, or whichever comes first. After 10 years, if the project area is not filled to capacity and Caltrans would like to continue to use the project area to place slide material, a fresh environmental review/authorization would be required including potentially a new environmental assessment and new biological and cultural supporting studies.

2.2 Project Design Features

1. The known population of shaggy hair lupine will be avoided. Existing populations of sensitive plant species will be shown to Caltrans personnel so as to be better avoided during stock piling efforts. In addition, slide material will only be placed where previously approved by the BLM botanist on a prior site visit (see map for more detail). Additional plant surveys are needed in the spring of 2012 to ensure the rest of the disturbed mining claim/occupancy area is clear of shaggy hair lupine and other sensitive plant species.
2. Slide material will be placed and surrounded by certified noxious weed free fiber rolls.
3. Caltrans is under instruction from the Regional Water Control Board to remove accumulated slide materials from the edge of the highway.
4. The site will be monitored annually by the BLM botanist for invasive weed introductions and potential indirect impacts to the shaggy hair lupine.
5. The project area will remain behind a locked gate, so public motorized use is not possible. Signs will be posted to inform the public that the project area contains more than 0.25% naturally occurring asbestos (NOA) or “airborne NOA is at hazardous levels”. These actions will be coordinated with appropriate federal, state, and local agencies.
6. Ground-disturbing activities will be avoided within the project area. These activities may include but would not be limited to recreational facility development, road, recreational trail, etc.
7. To the extent possible and with consideration for other resources, ground disturbing activities in areas within the project area will occur during the wet season to reduce airborne asbestos. During the dry season, the project area and immediately adjacent areas may be temporarily closed during project work, water will be applied to the roads/project area and transported slide material to reduce dust, and workers will wear personal protective equipment in order to protect workers and the public from airborne asbestos.

2.3 No Action

Under the no action alternative, BLM would not enter into a MOU with Caltrans to allow Caltrans to place slide material on BLM-administered land shown in the project area maps.

2.4 Alternatives Considered but Eliminated from Detailed Analysis

There are no alternatives considered but eliminated from detailed analysis.

3.0 Affected Environment

Soils/Water/Air: The project area is within the Merced River watershed. The project area is adjacent to intermittent Flyaway Gulch. Soils to be placed at the project site are derived from serpentine. These are erosive soils which were formed from highly sheared and fractured serpentine rock containing abundant chrysotile asbestos. The asbestos component of these soils can become airborne when the soil is dry and a surface-disturbing event occurs, such as windy conditions or construction activity.

Botany: The vegetation in the project area has been inventoried by BLM botanist. The vegetation consists of serpentine chaparral dominated by chamise (*Adenostoma fasciculatum*) and buckbrush (*Ceanothus cuneatus*). Other chaparral species include whiteleaf manzanita (*Arctostaphylos viscida*), toyon (*Heteromeles arbutifolia*), and poison oak (*Toxicodendron diversilobum*). A low density of shaggy hair lupine, a BLM sensitive species, occurs along the cut banks of the access road in to the site (refer to project area map) but should not be negatively impacted by the proposed action.

ACEC values: The relevant and important values in this ACEC are the Henneke soil series soils developed on a serpentine substrate supporting at least two BLM sensitive serpentine endemic species (*Lupinus spectabilis* and *Cryptantha mariposae*), other serpentine endemics, and the serpentine buckbrush chaparral community.

Wildlife: Wildlife within the project area is typical for this habitat and elevation. The BLM wildlife biologist has inventoried the project area. The general area/lower Flyaway Gulch appears to be important to upland game birds, such as California quail, as well as many other bird species that use the dense brush for cover. The area largely consists of the mixed chaparral/chamise habitat type. Fire is important to maintain habitat quality for wildlife such as deer, small mammals, and birds in this habitat type. No special status species were identified in this area. No special status wildlife species (or habitat that would support these species) are present within the project area.

Recreation: There is very little or no recreation occurring within the project area. The area is in close proximity to MID recreation facilities at Lake McClure including a boat launch. There is considerable fishing and other boating recreation on this reservoir. Few recreationists venture to the upland areas where the project area is located.

Visual resources: Under the 2008 RMP, BLM manages this area in accordance with class III visual resource management (VRM) standards. BLM's objective for class III is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat basic elements found in the predominant natural features of the characteristic landscape.

Cultural/Native American issues: The project area has been intensively inventoried for cultural resources by BLM archaeologists. The most recent inventory was in 2008 for a mining claim/occupancy cleanup. No cultural resources have been identified within the project area.

Mining claims: The project area is within an active mining claim. This area has been heavily disturbed. It was previously the site of a mining claim occupancy case that was resolved. The occupancy is no longer occurring. The active mining claim is a mill site claim. Use of the claim by the claimant should not be affected by the proposed action.

4.0 Environmental Effects

The following critical elements have been considered for this environmental assessment, and unless specifically mentioned later in this EA, have been determined to be unaffected by the proposal: prime/unique farmlands, floodplains, hazardous waste, wild and scenic rivers, and environmental justice.

4.1 Impacts of the Proposed Action and Alternatives

Soils/Water/Air: The biggest issue is the occurrence of naturally occurring asbestos in the serpentine derived soils. This could pose a health hazard due to NOA in dust. Dust with NOA is already being generated from the sloughing cut bank along Highway 49. However, no new impacts are expected since we would strictly follow all guidelines for soils with NOA spelled out in the Sierra Resource Management Plan Record of Decision (RMP), approved in February 2008 (see project design features in section 2.2). Ground-disturbing activities will be avoided within the project area. Transporting and stockpiling of slide material will occur during the wet season, to the extent possible. If the work occurs during the dry season, water would be applied to reduce dust. The project area would be located behind a locked gate where there is no public motorized vehicle access. Signs would be posted to inform the public that the project area contains more than 0.25% NOA. The site is not near a residential area or other populated place, but it is near a major public recreation area: Lake McClure. However, the public use is focused on the reservoir (boating, etc.); very few people venture to the surrounding BLM uplands, like lower Flyaway Gulch.

Botany: The proposed action would not directly impact any Federally threatened or endangered plants or any BLM sensitive plant species. However, since several occurrences of shaggy hair lupine grow along the access road to the site where the soils would be placed, indirect effects such as dust or invasive weed introductions could occur. Additionally, if trucks do not stay directly within the road footprint, shaggy hair lupine could be crushed. Project design features have been incorporated into the proposed action to avoid these impacts. Additionally, while the project area is in use by Caltrans, the BLM botanist would annually monitor the site in order to detect and mitigate any potential detrimental impacts to this BLM sensitive species.

ACEC values: The proposed action would not impact the relevant and important values of the ACEC. Soils would be placed in a previously disturbed area and there would be no impacts to vegetation besides that which is growing in the road footprint. BLM sensitive plants (also an ACEC value) would not be impacted by the project.

Wildlife: No impacts.

Recreation: No impacts.

Visual resources: The proposed action would have a negligible impact on visual resources. The area to be used was previously the site of a long-term mining-related occupancy that has been resolved. The site was heavily disturbed. BLM has spent years cleaning up the debris and garbage left behind by the occupants. Placing material from a nearby slide on the disturbance (i.e., roads, structure pads, etc.) would not create an eye soar. The material would not exceed 5 ft in height. The area fronting the reservoir on the hilltop would not be used. The proposed action would be in line with BLM's VRM class III management objective which is to partially retain the existing character of the landscape.

Cultural/Native American issues: No impacts. There are not cultural resources within the project area. The BLM archaeologist has conducted a study to help BLM comply with Section 106 of

the National Historic Preservation Act. He recommended that no significant cultural resources would be affected by the proposed action.

4.2 Impacts of the No Action Alternative

Soils/Water/Air: No impacts.

Botany: No impacts.

ACEC values: No impacts.

Wildlife: No impacts.

Recreation: No impacts.

Visual resources: No impacts.

Cultural/Native American issues: No impacts.

4.3 Cumulative Impacts

The proposed action would not cause any cumulative impacts.

5.0 Agencies and Persons Consulted

Caltrans

5.1 BLM Interdisciplinary Team

Reviewers:

/s/ James Barnes

NEPA coordinator/Archaeologist

/s/ Jeff Horn

Outdoor Recreation Planner/VRM specialist

/s/ Beth Brenneman

Botanist

/s/ Jeff Babcock

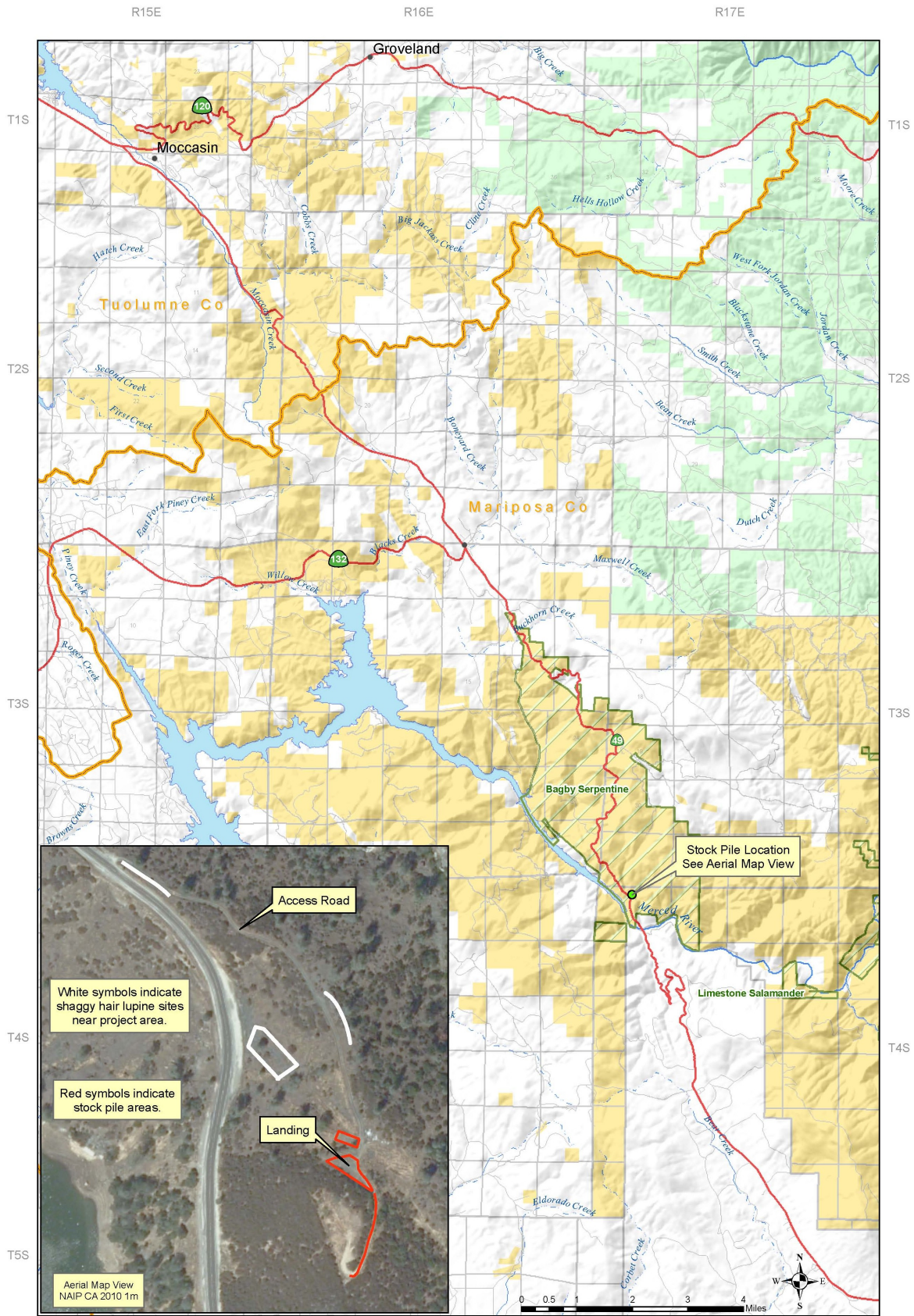
Engineer/Project lead

/s/ Peggy Cranston

Wildlife biologist

5.2 Availability of Document and Comment Procedures

This EA, posted on Mother Lode Field Office's website (www.blm.gov/ca/motherlode) under Information, NEPA (or available upon request), will be available for a 15-day public review period. Comments should be sent to the Mother Lode Field Office, 5152 Hillsdale Circle, El Dorado Hills, CA 95762 or emailed to us at jjbarnes@blm.gov.



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| ACEC | US Fish and Wildlife Service |
| Land Status | Military |
| Bureau of Land Management | Other Federal |
| US Forest Service | State |
| National Park Service | County/State/Regional |
| Bureau of Reclamation | Private/Other |

Caltrans Slide Disposal



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